

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**DIVISION 1181 AMALGAMATED TRANSIT
UNION - NEW YORK EMPLOYEES PENSION
FUND and its BOARD OF TRUSTEES,**

Plaintiff(s)

v.

**NEW YORK CITY DEPARTMENT OF
EDUCATION, JOFAZ TRANSPORTATION,
ALLIED TRANSIT CORP., PRIDE
TRANSPORTATION SERVICES, INC. and
QUALITY TRANSPORTATION CORP.,**

Defendant(s)
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Docket No. 14-CV-7405 (ERK) (SMG)

**DECLARATION OF RICHARD I.
MILMAN IN SUPPORT OF
DEFENDANTS JOFAZ
TRANSPORTATION, INC. AND
ALLIED TRANSIT CORP.'S
MOTION TO DISMISS INC.
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

I, Richard I. Milman, declare as follows:

1. I am an attorney with the law firm of Milman Labuda Law Group PLLC, attorneys of record for Defendants Jofaz Transportation, Inc. and Allied Transit Corp. in the above-captioned action. I am an attorney in good standing admitted to practice in the State of New York, and have been admitted to appear before this Court.

2. Except as otherwise indicated, I have personal knowledge of the facts set forth in this Declaration and, if called and sworn as a witness, I would competently testify to these facts.

3. I respectfully submit this Declaration in support of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint.

4. Submitted herewith is a true and correct copy of the Stipulation of Settlement otherwise known as the Mollen Agreement, dated May 17, 1979, attached as Exhibit A.

5. Submitted herewith is a true and correct copy of the Extension Amendment Agreement of Special Education, Section (I), Employee Protection Provisions (EPP), attached as Exhibit B.

6. Submitted herewith is a true and correct copy of Contingent Buy-Against Requirements Agreement for School Bus Transportation – Jofaz Transportation Inc., attached as Exhibit C.

7. Submitted herewith is a true and correct copy of Contingent Buy-Against Requirements Agreement for School Bus Transportation – Allied Transit Corp., attached as Exhibit D.

8. Submitted herewith is a true and correct copy of Chancellor Denis M. Walcott's Declaration of Emergency – (Attachment A), attached as Exhibit E.

9. Submitted herewith is a true and correct copy of Eric Goldstein's Declaration of an emergency procurement – (Attachment B), attached as Exhibit F.

10. Submitted herewith is a true and correct copy of January 8, 2014 the Michael Cordiello letter to Atlantic Express emergency replacement contractors, attached as Exhibit G.

11. Submitted herewith is a true and correct copy of the Division 1181 ATU New York Employees Pension Fund Plan Summary Plan Description, attached as Exhibit H.

Executed: October 12, 2018

/s/ Richard I. Milman, Esq.
Richard I. Milman, Esq.